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Attorneys for Defendant United States of America

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

JOHN GABOR AND KAY GABOR,)
)
 Plaintiffs,)
)
 v.)
)
 UNITED STATES OF AMERICA, ET AL.,)
)
 Defendants.)

No. C 07-06091 RMW

**NOTICE OF NEED FOR ADR
 PHONE CONFERENCE (ADR L.R. 3-5);
 ADR CERTIFICATION**

Defendants United States of America and Bradley A. Solomon¹ do not believe that any ADR process is appropriate for this case. These defendants believe that plaintiffs' claims are frivolous. This is supported by the Court's declaration that the plaintiffs are vexatious litigants. These defendants believe there is no possibility of any settlement. However, if the Court so requires, counsel for these defendants will participate in a telephone conference with the ADR Director or Program Counsel. However, these defendants request that the ADR telephone conference be delayed until after the upcoming hearing on defendants' motions to dismiss, currently scheduled for July 18, 2008.

¹These defendants have filed motions to dismiss, even though it does not appear that they have been properly served. None of the other defendants (who it also appears have not been properly served) have appeared in this action.

The following parties and counsel will participate in the ADR phone conference, if so ordered:

Name	Party Representing	Phone No.	FAX No.
Kay K. Yu	Def. Bradley A. Solomon	(415) 703-5593	(415) 703-1107
Claire T. Cormier	Def. USA	(408) 535-5082	(408) 535-5081

SIGNATURE AND CERTIFICATION BY LEAD TRIAL COUNSEL

Pursuant to Civ. L.R. 16 and ADR 3-5(b), each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Respectfully submitted,

DATED: July 8, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

/s/ Claire T. Cormier

CLAIRE T. CORMIER
Assistant United States Attorney

Dated: July ___, 2008

EDMUND G. BROWN, JR.
Attorney General of the State of California
PAUL T. HAMMERNESS
Supervising Deputy Attorney General
KAY K. YU
Deputy Attorney General

KAY K. YU
Attorneys for Defendant Bradley A. Solomon

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Respectfully submitted,

DATED: July __, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

CLAIRE T. CORMIER
Assistant United States Attorney

Dated: July 8, 2008

EDMUND G. BROWN, JR.
Attorney General of the State of California
PAUL T. HAMMERNESS
Supervising Deputy Attorney General
KAY K. YU
Deputy Attorney General

KAY K. YU
Attorneys for Defendant Bradley A. Solomon

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**NOTICE OF NEED FOR ADR PHONE CONFERENCE (ADR L.R. 3-5);
ADR CERTIFICATION**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)**

☐ **FACSIMILE (FAX)** Telephone No.: _____

☐ **BY FEDERAL EXPRESS**

to the parties addressed as follows:

John Gabor and Kay Gabor
590 Smokey Court
Campbell, CA 95008-3717

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of July 2008, at San Jose, California

/s/ Claire T. Cormier

Claire T. Cormier